

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

20 CR 160 (MKV)

5 JORGE NAVARRO, *et al.*,

6 Defendants.

Telephone Conference

7 -----x
8 New York, N.Y.
9 April 2, 2020
2:30 p.m.

10 Before:

11 HON. MARY KAY VYSKOCIL,

12 District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN

15 United States Attorney for the
Southern District of New York

16 BY: ANDREW ADAMS

SARAH MORTAZAVI

17 BENET KEARNEY

Assistant United States Attorneys

18 JASON W. KREISS

19 Attorney for Defendant Navarro

20 DEBORAH A. COLSON

21 Attorney for Defendant Garcia

22 ROBERT E. GOLDMAN

Attorney for Defendant Zulueta

23 DONALD T. ROLLOCK

24 Attorney for Defendant Tannuzzo

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THE LAW OFFICES OF ONAODOWAN AND DELINCE, PLLC
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ANDREW MOLLICA
TIMOTHY M. DONOHUE
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DAVID WIKSTROM
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GUY OKSENHENDLER
Attorney for Defendant Marino

Also Present:
Melvin Roth
Erin Cunningham, U.S. Pretrial Services

1 THE COURT: Good afternoon. This is Judge Vyskocil.

2 Ms. Dempsey, would you please call the case:

3 Before you do, could I just ask people, please silence
4 your cell phones, don't be typing by your phone because we can
5 hear that over the line. And please mute your lines if you are
6 not speaking.

7 Ms. Dempsey, would you call the case, please.

8 (Case called)

9 THE COURT: I will ask Ms. Dempsey to call on the
10 parties in order for counsel to please state their appearance.
11 Otherwise, we are just going to have chaos if people just start
12 jumping in.

13 Counsel, I would ask you, please, when you state your
14 appearance, if your client is on the call with you, would you
15 please so indicate, and then I would also like the client to
16 put his or her appearance on the record after counsel is done.

17 Based on orders I issued in advance of today we asked
18 people to let us know who would be participating so we would
19 have a little bit of order on this call and it's my
20 understanding that we have only one client on the call. But I
21 would ask counsel to please confirm that when you state your
22 appearance.

23 THE DEPUTY CLERK: Starting with the government, state
24 your appearances.

25 MR. ADAMS: Good afternoon, your Honor. You have on

1 the line today Andrew Adams, Sarah Mortazavi, and Benet Kearney
2 for the government.

3 THE COURT: Good afternoon, all.

4 THE DEPUTY CLERK: I am going to go down the list of
5 the defendants. Will their attorneys state their name for the
6 record.

7 Jorge Navarro.

8 MR. KREISS: Good afternoon, your Honor, Jason Kreiss
9 on behalf of Jorge Navarro, and Mr. Navarro is actually present
10 with me on the call.

11 MR. ROTH: Good afternoon, Judge, this is Melvin Roth.
12 I'm local counsel for Jorge Navarro.

13 THE COURT: Good afternoon, gentlemen, and good
14 afternoon to you, Mr. Navarro.

15 DEFENDANT NAVARRO: Good afternoon, Judge.

16 THE DEPUTY CLERK: Erica Garcia.

17 MS. COLSON: Good afternoon, your Honor, Debra Colson
18 for Erica Garcia. Ms. Garcia is not on the line.

19 THE DEPUTY CLERK: Marcos Zulueta.

20 MR. GOLDMAN: Good afternoon, your Honor, Robert
21 Goldman for Mr. Zulueta, who is not present.

22 THE COURT: Good afternoon, Mr. Goldman.

23 Mr. Goldman, before we proceed, have you taken care of
24 getting your *pro hac* papers in order?

25 MR. GOLDMAN: Your Honor, I'm waiting for the

1 certificate of good standing. The courthouses in Philadelphia
2 are pretty much closed as probably yours are. I'm just waiting
3 for them to return.

4 THE COURT: I understand. I conditionally grant your
5 *pro hac* application in light of the difficulties of getting the
6 appropriate documentation.

7 MR. GOLDMAN: Thank you very much, your Honor.

8 THE DEPUTY CLERK: Michael Tannuzzo.

9 MR. ROLLOCK: Donald Rollock here, your Honor. Good
10 afternoon. Good afternoon, staff. Good afternoon colleagues.
11 My client is not present.

12 THE COURT: Good afternoon, Mr. Rollock.

13 THE DEPUTY CLERK: Gregory Skelton.

14 MS. KIRSHNER: Good afternoon, your Honor, this is
15 Isabelle Kirshner. I'm here with my partner, Charles Clayman.
16 Mr. Skelton is not on the phone.

17 THE COURT: Good afternoon, Ms. Kirshner and
18 Mr. Clayman.

19 THE DEPUTY CLERK: Ross Cohen.

20 MR. BARKET: Good afternoon, your Honor, this is Bruce
21 Barket, along with Aida Leisenring. And Mr. Cohen is on the
22 call, albeit in a different location.

23 THE COURT: Good afternoon, first, to Mr. Cohen and
24 also good afternoon, Mr. Barket, and Ms. Leisenring.

25 DEFENDANT COHEN: Good afternoon, your Honor.

1 THE DEPUTY CLERK: Seth Fishman.

2 MR. FELDMAN: Good afternoon, your Honor, colleague
3 from the defense side of the government, this is Andrew Feldman
4 on behalf of Dr. Seth Fishman. Seth Fishman isn't on the call.

5 THE COURT: Thank you, Mr. Feldman. Good afternoon.

6 THE DEPUTY CLERK: Lisa Gianelli.

7 MR. FASULO: Good afternoon, your Honor, Louis Fasulo,
8 Fasulo Braverman & DiMaggio, for Ms. Gianelli, who is not on
9 the call today.

10 THE COURT: Good afternoon, Mr. Fasulo location.

11 THE DEPUTY CLERK: Jordan Fishman.

12 MR. JOYCE: Good afternoon, this is Patrick Joyce on
13 behalf of Mr. Fishman, who is not present on the call.

14 THE COURT: Thank you, Mr. Joyce. Good afternoon.

15 THE DEPUTY CLERK: Rick Dane, Jr.

16 MR. SCHOLAR: Good afternoon, your Honor, Calvin
17 Scholar for Mr. Dane, and Mr. Dane is not on the call.

18 THE COURT: Good afternoon, Mr. Scholar. Thank you.

19 THE DEPUTY CLERK: Christopher Oakes.

20 MR. FLYNN: Good afternoon, your Honor, Terry Flynn
21 and Doreen Klein on behalf of Christopher Oakes. He is not on
22 the line, your Honor.

23 THE COURT: Counsel, I'm sorry. I didn't catch your
24 name.

25 MR. FLYNN: Terry Flynn.

1 THE COURT: Thank you. Good afternoon, all.

2 THE DEPUTY CLERK: Jason Servis.

3 MS. GLAVIN: Good afternoon. Rita Glavin, along with
4 Michael Considine, for Jason Servis, who is not on this call.

5 THE COURT: Good afternoon, Ms. Glavin, and
6 Mr. Considine.

7 THE DEPUTY CLERK: Kristian Rhein.

8 MR. SCARING: Good afternoon, your Honor, Stephen
9 Scaring for Kristian Rhein. He is not on the call.

10 THE COURT: Thank you, Mr. Scaring. Good afternoon.

11 THE DEPUTY CLERK: Michael Kegley, Jr.

12 MR. COX: Good afternoon, your Honor, this is Scott
13 Cox on behalf of Mr. Kegley. He is not participating today.

14 THE COURT: Good afternoon, Mr. Cox. Thank you.

15 THE DEPUTY CLERK: Alexander Chan.

16 MR. BAUM: Good afternoon, your Honor, this is Robert
17 Baum on behalf of Mr. Chan. He is not on the line.

18 THE COURT: Thank you, Mr. Baum. Good afternoon.

19 THE DEPUTY CLERK: Henry Argueta.

20 THE COURT: Is counsel to Mr. Argueta on the line? I
21 believe we have an appearance by Mr. Onaodowan.

22 MS. GLAVIN: Your Honor, I will send an e-mail to
23 Mr. Argueta's counsel.

24 THE COURT: Thank you very much, Ms. Glavin. I
25 appreciate it.

1 THE DEPUTY CLERK: Nicholas Surick.

2 MR. MOLLICA: Andrew Mollica and Tom Donohue for the
3 defendant Nick Surick.

4 MR. DONOHUE: And Mr. Surick is not on the line, your
5 Honor. I have not filed my *pro hac vice* at this point because
6 I also need a certificate of good standing.

7 THE COURT: Thank you. Good afternoon, Mr. Mollica
8 and Mr. Donohue.

9 Mr. Donohue, I would suggest that you do what other
10 counsel have done, where you at least mail us your *pro hac*
11 papers and explain that you are waiting for whatever
12 documentation you need. I assume you need your certificate of
13 good standing, and I will gladly act conditionally so you have
14 time to get the papers in. For purposes of today I will admit
15 you *pro hac*.

16 MR. DONOHUE: Thank you, your Honor. I will do that
17 as soon as I get back to the office with my secretary.

18 THE COURT: Not a problem.

19 THE DEPUTY CLERK: Rebecca Linke.

20 MR. WIKSTROM: David Wikstrom for Ms. Linke, and she
21 is not on the call.

22 THE COURT: Good afternoon, Mr. Wikstrom.

23 THE DEPUTY CLERK: Christopher Marino.

24 MR. OKSENHENDLER: Good afternoon, your Honor, this is
25 Guy Oksenhendler for Mr. Marino. He has waived his appearance

1 and is not on the line with me.

2 THE COURT: Thank you very much.

3 I'm a little bit loathe to get started without
4 Mr. Onaodowan because I don't want to go back and repeat
5 things.

6 Ms. Glavin, did you get a response?

7 MS. GLAVIN: No. I just sent an e-mail. I will call
8 her mobile phone. It's actually Ms. Onaodowan. I am going to
9 put you on mute and try her mobile right now.

10 THE COURT: Thank you very much.

11 If everyone can please just bear with us for just a
12 moment.

13 While Ms. Glavin is checking on that, I would like to
14 address Mr. Cohen and Mr. Navarro, and I understand Ms.
15 Glavin's cocounsel, Mr. Considine, is on the line. I don't
16 have a concern about proceeding.

17 I had directed in an order that I entered anyone who
18 required the services of an interpreter, please advise the
19 counsel for the government and that information would have been
20 passed on to me. I have received no such notice.

21 But in the interest of being certain, let me first ask
22 Mr. Navarro. First, Mr. Navarro, can you hear me?

23 DEFENDANT NAVARRO: Yes, your Honor.

24 THE COURT: Are you able to speak and understand
25 English?

1 DEFENDANT NAVARRO: Yes, your Honor.

2 THE COURT: Please, I would ask you to let me know
3 immediately if you are having any difficulty hearing me or
4 hearing or understanding what is taking place in today's
5 proceedings. All right?

6 DEFENDANT NAVARRO: Yes, your Honor.

7 THE COURT: Mr. Cohen, the same question for you. Can
8 you hear me, first?

9 DEFENDANT COHEN: Yes, I can.

10 THE COURT: Mr. Cohen, are you able to speak and to
11 understand English?

12 DEFENDANT COHEN: Yes, your Honor.

13 THE COURT: Thank you.

14 I would ask you, too, please immediately let us know
15 if you are having any difficulty hearing me or understanding me
16 or anybody who is speaking during today's proceeding. All
17 right?

18 DEFENDANT COHEN: Yes, your Honor.

19 THE COURT: Thank you.

20 Ms. Glavin.

21 MS. GLAVIN: No luck, your Honor. I'm sending a text.

22 Stand by.

23 THE COURT: Thank you.

24 MS. MORTAZAVI: I have also texted counsel as well and
25 have not yet received a response.

1 THE COURT: Do we have someone joining us, or did we
2 lose someone?

3 Is Ms. Glavin back with us?

4 MS. GLAVIN: Your Honor, this is Rita Glavin. I have
5 sent an even e-mail and a text and also left a voice mail on
6 the cell phone and have not heard anything back.

7 THE COURT: I really appreciate your efforts. And I
8 think it was Ms. Mortazavi said she also had reached out. We
9 have 42 other people on the call for this proceeding, so I'm
10 not going to hold up the proceeding. Notice was given and I am
11 going to move forward.

12 If people will give me just one second, I will be
13 right with you and we will get started.

14 First, just some preliminaries. As everybody is
15 aware, we are in the midst of a COVID-19 pandemic, and I am
16 conducting this proceeding then pursuant to the authority
17 provided by Section 15002 of the CARES Act and standing orders
18 issued by our chief judge implementing that act.

19 All counsel in the case are appearing before me
20 telephonically. As reflected on the docket in the case, each
21 of the 19 defendants named in the indictment has waived
22 appearance at arraignment. I have carefully reviewed those
23 waivers, and I have found that each complies with Federal Rule
24 of Criminal Procedure 10(b), and I therefore entered orders
25 accepting each of the 19 waivers of appearance by the

1 defendants at today's arraignment. As we have already noted,
2 though, two of the defendants are here and participating by
3 phone. The others are not participating on today's call.

4 Just by way of background, as everybody is aware, this
5 proceeding originally was scheduled at the time of the March 9
6 date of presentment of defendants who were presented here in
7 the Southern District, and at that time an arraignment date of
8 March 23 was set. At that time the assumption was that the
9 arraignments and conference would take place in person. That
10 scheduling is reflected in the minute entry with respect to the
11 presentment entered on the docket by Magistrate Judge Wang.

12 Subsequently, I received correspondence from various
13 defense counsel asking permission to appear telephonically.
14 Some of those letters included waivers of appearance by
15 clients, some did not. I also received a letter from the
16 government, dated March 12, that's at ECF 53, stating that the
17 government had no objection to counsel and or defendant's -- to
18 the extent as the Court deemed it an appropriate accommodation
19 in light of growing concerns over the coronavirus.

20 In response, I issued an order on March 16 reminding
21 everyone of the requirements in the Federal Rules of Criminal
22 Procedure that a defendant be physically present at his or her
23 own arraignment unless the Court had accepted a waiver of
24 appearance which complied with Rule 10(b).

25 Throughout March, the COVID-19 pandemic continued to

1 escalate and was the subject of a declaration of a national
2 emergency by the president, orders by the governor of New York
3 State restricting the number of people to assemble in one
4 place, and several standing orders were issued by the chief
5 judge of the Southern District of New York imposing various
6 restrictions on court access and proceedings.

7 During March, after the defendants were presented
8 before Magistrate Judge Wang on March 9 and throughout the
9 country in the districts where other defendants were arrested,
10 17 of the 19 defendants filed waivers of appearance at the
11 arraignment which was then scheduled for March 23. Due to
12 mounting concerns about assembling such a large group of people
13 as those involved in this case in the midst of a pandemic, on
14 March 22, I adjourned the arraignment and conference and
15 requested that counsel to the two defendants who had not
16 previously waived appearance consult with their clients and let
17 the Court know whether the clients wished to waive appearance.

18 I want to be very clear that had any defendant wished
19 not to waive appearance at his or her arraignment, it was my
20 intention to make arrangements for individual proceedings, to
21 conduct those arraignments one at a time. Each of the two
22 defendants who had not previously filed waivers either did so
23 shortly after my March 22 letter or advised the Court promptly
24 that he intended to do so.

25 On March 27, I entered an order rescheduling the

arraignment and conference for today to be held telephonically. Notwithstanding any waiver of appearance by a defendant, each defendant had the opportunity to participate in today's proceeding by telephone if he or she chose to do so and indeed, as we have noted, two of the defendants are on the line for today's proceeding. The dial-in number and access code for today's proceedings were included in my order and were posted on ECF.

I note for the record that the chief judge of this Court has issued a standing order at 10-468, dated March 30. That standing order implements the CARES Act and the finding by the Judicial Conference of the United States that: "Emergency conditions due to the national emergency declared by the president with respect to COVID-19 materially have affected and will materially affect the functioning of the federal courts generally."

That standing order by the chief judge then authorized the use of video teleconferencing, or teleconferencing if video conferencing is not reasonably available, with the consent of the defendant after consultation with counsel for certain proceedings, including an arraignment.

By virtue of people's participation in the call today and the waivers that have previously been filed, I understand that each of the defendants consents to our proceeding by teleconferencing today. If my understanding is incorrect, I

1 would ask counsel to please so state now.

2 Hearing no objection then, I do find that each of the
3 defendants have consented to our proceeding by teleconference
4 today. I find also that the interests of justice are served by
5 our moving forward with this proceeding today and not delaying
6 it beyond today. I find that the proceeding cannot be
7 conducted in person without seriously jeopardizing public
8 health and safety. I find further that holding this
9 proceeding, the arraignment and the conference, by video
10 conference would have been impractical, if not impossible under
11 all the circumstances, particularly given the large number of
12 parties and counsel involved.

13 Now, as I said, as of today, each of the 19 defendants
14 has filed a waiver of appearance at today's indictment. I
15 carefully reviewed each of those waivers. Initially, a couple
16 of them were not accepted by the Court due to various
17 deficiencies, but ultimately any deficiencies were corrected,
18 and I have now entered orders accepting waiver of appearance at
19 arraignment by all 19 defendants.

20 As I said before, virtually all of the counsel
21 appearing for defendants that requested telephonic appearance
22 and counsel for the government have advised it does not object
23 to proceeding telephonically. In a few moments, when we turn
24 to the arraignment itself, I will ask counsel -- and if they
25 are on the call, the defendants -- to confirm their waivers and

1 their consent to proceeding by teleconference rather than in
2 person.

3 Now, one final note. Notwithstanding the COVID-19
4 pandemic, the Court remains open for business and for public
5 access to our proceedings. The posting of the dial-in
6 information for today's arraignment and filed on ECF makes it
7 possible for access by not only all of the parties, but also
8 their families, the press, and the public.

9 I do remind everyone on the call, however, of the
10 general prohibition against photographing, recording, or
11 rebroadcasting any court proceedings in federal court.
12 Violation of these prohibitions may result in sanctions,
13 including the removal of Court-issued media credentials,
14 restricted entry to future hearings, denial of entry to future
15 hearings, or any other sanctions that the Court deems
16 necessary.

17 I apologize, but given the way we are doing this, some
18 of is necessary for the record.

19 In order that we have an orderly process today, we are
20 going to call on people for these proceedings. I'll then ask
21 at the end if anybody else wishes to add anything or to be
22 heard. When I do call on you, please identify yourself by name
23 just so we have a clear record. Before anyone speaks, please
24 state your name for the record. Please speak slowly.

25 I should have thanked our court reporter, Mr.

1 Greenblum, who is on the line with us. Everything we are doing
2 today will be recorded and there will be a transcript
3 available.

4 If you are not speaking, I remind you to please mute
5 your line. There does continue to be some background noise
6 that I keep hearing.

7 I ask you, also, please don't interrupt each other or
8 me during the conference. If you do, it's going to be very
9 difficult for us to have any kind of an accurate record of
10 these proceedings. I promise I will give each attorney an
11 opportunity to make additional comments or ask questions after
12 we go through the list of calling on people for the business
13 that we need to take care of today.

14 This is the initial appearance by counsel or the
15 parties before me in this case. It's my understanding that
16 each defendant has been presented either here in the Southern
17 District on March 9 before Magistrate Judge Wang, or in the
18 district where he or she was arrested shortly after arrest.

19 I understand, further, that with respect to the
20 defendants who were arrested outside of the Southern District
21 we need to discuss, first, whether those defendants should
22 remain released and, if so, what the conditions of release
23 should be since I'm told that the conditions that were imposed
24 at the time of initial presentment may or may not be
25 enforceable here in the Southern District. And, in any event,

1 they are likely void once those defendants are appearing before
2 me and subject to the jurisdiction in the Southern District.

3 I do have several updates that I received late
4 yesterday afternoon. I received from pretrial services a
5 series of reports for the 10 defendants who were presented
6 outside the Southern District. I had intended to say to
7 counsel that assuming the government has no objection to these
8 defendants remaining released on certain conditions that they
9 confer with counsel and present to me by Monday a joint
10 proposal.

11 I received about an hour ago from counsel for the
12 government that exact submission. I'll turn to that in a
13 minute, but let me just first ask the government, for the
14 record, to describe when the defendants were arrested,
15 presented, indicted. If what I have just recited is accurate,
16 that may be sufficient. And then we can turn to a discussion
17 about the bail conditions that you've proposed to me.

18 Counsel for the government

19 MR. ADAMS: Thank you, your Honor. Andrew Adams to
20 begin, and then I am going to turn over to Ms. Mortazavi to
21 talk about the specifics of the conditions.

22 The quick answer is, your recitation was accurate with
23 respect to the dates of arrest and presentments. Each of the
24 defendants was presented on the day or the following day of his
25 or her respective arrest, almost all on March 9 of this year.

1 And Mr. Fishman submitted a letter this morning.

2 THE COURT: Thank you for that.

3 MR. ADAMS: Ms. Mortazavi forwarded with respect to
4 the out-of-district defendants for whom a Southern District
5 bail package has not yet been determined, that is, all of the
6 defendants arrested outside of the district with the exception
7 of Seth Fishman. We do have at least an understanding with
8 each defense counsel as to a bail package to propose to the
9 Court and are happy to do that now or at the end of the
10 conference, as you see fit.

11 THE COURT: If you give me one moment. I do want to
12 be certain that all defendants who are in need of having
13 counsel appointed, that has been taken care of, right?

14 MR. ADAMS: That has been taken care of. Certain
15 defendants have retained counsel separately, but all defendants
16 have counsel.

17 THE COURT: There were 10 defendants who were
18 presented outside of the Southern District. I just would like
19 you to confirm on the record -- first, let me ask the
20 government, you did receive copies of the pretrial services
21 report on each of the 10 defendants arrested and presented
22 outside of the Southern District, correct?

23 MS. MORTAZAVI: That's correct, your Honor.

24 THE COURT: Counsel to Mr. Navarro, did you receive
25 the report relating to your client?

1 MR. KREISS: I have received it and I have reviewed it
2 with Mr. Navarro.

3 THE COURT: Counsel to Ms. Garcia.

4 MS. COLSON: Yes, I have received it and I have
5 reviewed it, your Honor.

6 THE COURT: Counsel to Mr. Zulueta.

7 MR. GOLDMAN: Yes, your Honor, I have.

8 THE COURT: Counsel, for Mr. Skelton.

9 MS. KIRSHNER: Yes, your Honor. I have received it
10 and I have reviewed it with Mr. Skelton.

11 THE COURT: Counsel to Ms. Gianelli.

12 MR. FASULO: Yes, your Honor. I have reviewed it with
13 my client, Ms. Gianelli, and I have received it.

14 THE COURT: Counsel to Jordan Fishman.

15 MR. JOYCE: Your Honor, it's Patrick Joyce. I have
16 received a copy of the report and I have reviewed it with
17 Mr. Fishman.

18 THE COURT: Counsel to Rick Dane.

19 MR. SCHOLAR: Yes, I received the report.

20 THE COURT: Counsel to Mr. Oakes, Christopher Oakes.

21 MR. FLYNN: Yes, we reviewed it with our clients and
22 we spoke with Ms. Mortazavi today. There was one correction to
23 it. I reside in the Western District of New York.

24 THE COURT: I have the corrected sheet.

25 Counsel for Mr. Servis.

1 MS. GLAVIN: Yes, your Honor. Yes, I received the
2 paperwork.

3 THE COURT: And you have discussed it with Mr. Servis?

4 MS. GLAVIN: Yes, discussed it with Mr. Servis.

5 THE COURT: Counsel for Mr. Kegley.

6 MR. COX: Judge, I received the rather lengthy report
7 that was prepared by the probation office in Kentucky and
8 reviewed that with my client. I also received the one that was
9 conducted by the probation office in your district. I did not
10 review that with Mr. Kegley because he is ill and hospitalized.
11 But it didn't change anything. It basically just said nothing
12 has happened with him since the initial report was prepared.

13 THE COURT: First of all, these are reports by
14 pretrial services, right?

15 MR. COX: Yes.

16 THE COURT: In the Southern District we have separate
17 probation and pretrial services.

18 I received from Ms. Mortazavi an e-mail telling me
19 that she had conferred with counsel to the various defendants,
20 and I think that she also forwarded this proposal to
21 Ms. Cunningham in pretrial services.

22 Ms. Cunningham, is that correct?

23 MS. CUNNINGHAM: Yes, your Honor. I was provided that
24 prior to the hearing.

25 THE COURT: Is there anything that pretrial services

1 wishes to say for the record?

2 MS. CUNNINGHAM: No, your Honor, not at this time.

3 THE COURT: Ms. Mortazavi, I will hear from you and
4 then I have a few observations and comments I'd like to make.

5 MS. MORTAZAVI: Certainly, your Honor.

6 With respect to all these proposals, I believe that
7 counsel are in agreement. Each of them are tailored to the
8 defendant's particular circumstances, and we believe that each
9 of these packages mitigates any risk of flight or
10 dangerousness, and I'm happy to speak to any particular
11 questions that the Court has or go through the package
12 defendant by defendant, as the Court prefers.

13 THE COURT: We don't need to go through this defendant
14 by defendant, but actually I do need to raise with counsel to
15 each of these 10 defendants and, frankly, with counsel to all
16 defendants, because I have one observation that pertains to a
17 bail condition that was also imposed here in the Southern
18 District.

19 We do not have a waiver by the defendants of their
20 right to be present when bail modifications are talked about or
21 made or, I guess, in the case of these 10 people, where bail
22 conditions are first imposed, or of their right to have those
23 conditions put on the record in open court.

24 Do I have a position of counsel with regard to that
25 issue?

1 MR. FASULO: Judge, I have discussed waiver of her
2 appearance for purposes of the bail application today. She
3 consents to us going ahead with the bail package. I discussed
4 the package with Ms. Genially. She understood the package. So
5 I waive her appearance as that was what her wish was when I
6 spoke with her last night.

7 THE COURT: Thank you.

8 I think that I should go through the list of
9 defendants to hear what counsel has to say in that regard.
10 Whether we need to have a separate hearing and give clients the
11 opportunity to be present, or whether counsel has discussed
12 this with the client, they can put on the record that the
13 clients knowingly waived being present at this conversation.

14 Mr. Navarro.

15 MR. KREISS: Mr. Navarro is present on the call, and I
16 have discussed the bail package with him as presented to the
17 Court.

18 THE COURT: Ms. Garcia.

19 MS. COLSON: I have discussed the proposed bail
20 conditions with Ms. Garcia. She consents to those conditions
21 and she also consents to waiving her appearance on this call.

22 THE COURT: Counsel to Mr. Zulueta.

23 MR. GOLDMAN: Your Honor, I have spoken with my client
24 concerning the conditions and he is in agreement with those,
25 and he waives his presence.

1 THE COURT: Mr. Skelton.

2 MS. KIRSHNER: Your Honor, just before this call I
3 spoke with Mr. Skelton. He is aware of the conditions. He
4 agrees to them and he waives his presence.

5 THE COURT: Mr. Jordan Fishman.

6 MR. JOYCE: Your Honor, this morning I had a
7 conversation with the AUSA. I then spoke to my client about
8 the conditions, which he consents to, and told me he would
9 waive his appearance for this proceeding.

10 THE COURT: Mr. Oakes.

11 MR. FLYNN: Your Honor, I also spoke with my client,
12 Mr. Oakes, and I discussed the package and he understands the
13 conditions and he consented to the waiver.

14 THE COURT: Counsel for Mr. Servis.

15 MR. CONSIDINE: Your Honor, we spoke to our client, he
16 agreed to the conditions proposed by the government and waives
17 appearance here today.

18 THE COURT: Counsel for Mr. Kegley.

19 MR. COX: Your Honor, when he first presented before
20 the magistrate judge in the Eastern District of Kentucky, all
21 of the conditions that the prosecutor now is proposing to the
22 Court were also offered to the Court, and my client and I
23 discussed it and we have no objection to any of them.

24 The only thing that's changed is the government is
25 requesting \$100,000 unsecured bond signed by two others, and he

1 had no objection to that when we were before the Court in
2 Lexington.

3 Unfortunately, he had surgery Tuesday, so I have not
4 talked to him about the agreement that I have reached with the
5 government, but it's identical to the one in Lexington.

6 So I'm comfortable, if you are, waiving his appearance
7 and telling you that he agreed to these conditions when we were
8 before the Court in Kentucky.

9 THE COURT: I will accept for representation that your
10 client waives participation today. If for any reason that is
11 not accurate, you can come back to the Court and ask to have us
12 reconsider anything that is agreed to or so-ordered today.

13 MR. COX: Thank you, Judge.

14 THE COURT: A particular bail condition.

15 Counsel for the government, I have a question for you.
16 With respect to one condition that appears throughout each of
17 these, I think, that you have given me today and, frankly, I
18 think it was in each of the bail packages that were put in
19 place on March 9 with respect to the Southern District
20 proceedings. You have a bail condition that the defendant will
21 have no contact with any racehorse without supervision of the
22 owner of the property where the horse is located. What is that
23 aimed at achieving?

24 MS. MORTAZAVI: Given the nature of the charges here,
25 your Honor, the defendants were engaged in covertly

1 administering performance-enhancing drugs to racehorses. We
2 thought it was appropriate to mitigate the concern that that
3 conduct may continue to require some form of supervision of the
4 defendants if they are going to continue having physical
5 contact with racehorses.

6 THE COURT: That makes good sense to me. What is the
7 owner of the property, who may or may not know anything about
8 what it is that a veterinarian or a trainer or some other
9 professional is doing, going to do in terms of supervision to
10 make sure that your objective is --

11 MS. MORTAZAVI: Your Honor, it certainly attempts to
12 strike a balance, given that we cannot be everywhere at once
13 and monitor these defendants completely. It still permits some
14 level of oversight.

15 For example, in many jurisdictions it is against the
16 licensing authority's rules for trainers to possess certain
17 equipment, such as syringes or an electroshock machine. And
18 having at least a person present to observe whether such
19 devices are possessed by any of the defendants would be a level
20 of oversight more than what we would have absent that
21 condition.

22 THE COURT: I hear and I understand that. How is the
23 owner of the property where the horse is located supposed to
24 know what those restrictions are?

25 Which also brings me to another question I have. You

1 have a condition that criminal charges be reported to licensing
2 authorities in the state where these defendants are licensed.
3 I am fine with that concept, but I would like to see, in
4 addition, that the defendants have to comply with licensing
5 regimes to which they are subject.

6 For example, you are telling me that you want the
7 owner of the property to be there so that they will know
8 whether the defendant is using something that the licensing
9 authorities say they shouldn't be using. To link the two here,
10 that you don't just report the charges to the licensing
11 authorities, but that the defendants must comply with whatever
12 those licensing requirements are.

13 MS. MORTAZAVI: The government has no objection to
14 adding that as a condition.

15 THE COURT: The other point I have, and then I will
16 hear from any defendant that wishes to be heard, is that the
17 defendants also need to comply with any orders issued by
18 thoroughbred regulatory bodies, tracks, or racing associations.

19 The reason I'm asking about this is that I have gotten
20 communications from counsel to some defendants saying, well, I
21 was suspended and there is a hearing. To the extent that is in
22 fact the case, it ought to be a condition of release that the
23 defendants comply with an order or any other orders issued by
24 thoroughbred racing regulatory bodies, tracks, or racing
25 associations.

1 MS. MORTAZAVI: The government would have no objection
2 to that condition either, with the one caveat that I believe
3 the Court mentioned thoroughbred racing authorities. There are
4 some defendants here who race standard-bred horses. We would
5 wish to encompass that as well.

6 MS. GLAVIN: Your Honor, if I might be heard on that
7 particular suggested modification. I don't know with respect
8 to each of the state's licensing authorities if, for instance,
9 they may have an order about appearing at a hearing. I just
10 want to make sure that we are not in a position where any one
11 of our clients that may have Fifth Amendment rights, that such
12 a condition, that they comply with orders of those various
13 racing authorities would implicate their Fifth Amendment rights
14 as it pertains to the criminal case.

15 THE COURT: That is a fair and a good point,
16 Ms. Glavin. But I would assume that you could work out with
17 the government language where you would either add that as an
18 exception or where you would somehow -- work out wording to, of
19 course, protect the Fifth Amendment rights of defendants, but
20 conceptually I assume there is no problem with your client
21 otherwise complying with it, right?

22 MS. GLAVIN: Yes. Just so long as it does not
23 implicate the criminal case and their constitutional rights.

24 THE COURT: We can add that as a caveat to what's
25 going to be, I take it, added as a condition for each

1 defendant.

2 MR. SCARRING: Judge, it would probably be a good idea
3 to have the government state what their understanding is so
4 that we have a clear understanding before this call is over
5 regarding that.

6 THE COURT: What I am going to do is, I am going to
7 revert back to my original proposal, which is that you all
8 confer in 48 hours at the end of this call and on Monday get me
9 a revised list that reflects a joint proposal by the parties.
10 It would include these two concepts that I'm asking to be
11 included.

12 Does anybody else wish to be heard?

13 It is my suggestion then that the government and
14 counsel to all defendants because I'm asking that these two
15 modifications be made even to the previously in-place
16 conditions for people presented in the Southern District. I
17 would ask that the government confer with counsel to all
18 defendants, and by no later than Monday submit to me a joint
19 proposal.

20 The other thing that you need to confer with defense
21 counsel -- and, frankly, with perhaps Mr. Ortiz or people in
22 pretrial services -- is what paperwork needs to be taken care
23 of. I see that for the new conditions you are allowing three
24 weeks and I understand that because people are going to have
25 difficulty with taking care of paperwork and that sort of

1 thing. I'm fine with that. I am going to leave it in the
2 hands of counsel to the government and to the defendants to
3 work out how you are going to get the necessary paperwork done.

4 Is that acceptable to all?

5 MS. MORTAZAVI: That is acceptable, your Honor. And
6 we have already conferred with some counsel as to the mechanics
7 of ensuring that bond signing can occur.

8 THE COURT: Anybody from the defense side have any
9 objection or is that acceptable to all?

10 Silence will be deemed acceptance.

11 I will wait to hear from you all on Monday, and we
12 will get the necessary orders or bail slips done to have these
13 conditions in place then.

14 Thank you, all.

15 Let's move on.

16 MS. CUNNINGHAM: This is Erin Cunningham from pretrial
17 services. I want some clarification on our end. Are the
18 conditions proposed by defense counsel and the government going
19 to be ordered today, or is everything going to be ordered on
20 Monday?

21 THE COURT: I was intending to order it on Monday with
22 the existing conditions to remain. Is that problematic?

23 MS. CUNNINGHAM: No. We can add a condition on
24 Monday. I guess for the 10 defendants that are being presented
25 for the first time in this district, the conditions, I'm

1 assuming, and any counsel from the government correct me if I'm
2 wrong, the conditions that were proposed should be ordered
3 today with the idea that the additional condition could be
4 ordered on Monday.

5 THE COURT: Counsel for the government.

6 MS. MORTAZAVI: I believe your Honor can continue the
7 bail hearing for purposes of entering a final bail package.

8 THE COURT: This is what I was proposing. That would
9 mean that the existing conditions that were imposed where these
10 defendants were originally presented would remain in effect.

11 MS. CUNNINGHAM: I just wanted to clarify from my end.
12 Thank you.

13 THE COURT: Thank you, all.

14 Before we leave the bail conditions I did have two
15 other questions.

16 With respect to Mr. Navarro, unlike every other party,
17 I'm not seeing surrender of any travel documents.

18 MR. KREISS: Your Honor, Mr. Navarro's passport was
19 seized by the agents at the time of arrest.

20 THE COURT: Thank you.

21 MS. MORTAZAVI: Your Honor, I think that may have also
22 been an oversight in the standard conditions if the defendant
23 makes no new applications for travel documents, and we would be
24 seeking that for Mr. Navarro as well.

25 THE COURT: Counsel.

1 MR. KREISS: No objection, your Honor.

2 THE COURT: The only other comment that I have or
3 question is with respect to Mr. Servis. Almost all of the
4 other conditions talk about locations that the defendant may
5 travel to and then it says points in between for purposes of
6 transit. This does not have the transit limitation. Is that
7 just an oversight?

8 MS. MORTAZAVI: Yes, your Honor. This is merely an
9 oversight.

10 THE COURT: Ms. Glavin or Mr. Considine.

11 MS. GLAVIN: Yes, it's our understanding.

12 THE COURT: With that modification then you will get
13 me a document on Monday. But, in the meantime, the existing
14 bail conditions originally put in place at the time of
15 presentment remain in effect, and I will so order promptly,
16 after I receive the revised joint proposal on Monday for the 10
17 defendants. Correct?

18 Let's move on then to the arraignment. As you are all
19 aware, the defendants have been named in a six-count
20 indictment, No. 20 CR 160, charging them with one or more
21 counts of drug adulteration and misbranding conspiracy, in
22 violation of Title 18, United States Code, Section 371 and
23 obstruction in violation of Title 18, United States Code,
24 Section 1512(b)(3) and (2).

25 I am going now to call each defendant by name. When I

1 do so, I would ask counsel to that defendant, or the defendant
2 himself in the case of Messrs. Navarro and Cohen, to first
3 acknowledge that you hear me and understand I'm speaking with
4 you. I would then ask counsel, and, if present, the defendant,
5 a series of questions. The first series of questions go to
6 defendant's waiver of the right to be here at this arraignment,
7 and I will then move on to the arraignment itself.

8 Does everyone understand?

9 Both counsel and Mr. Navarro, first, I have received
10 and accepted a written waiver of the right to be present at
11 today's arraignment from Mr. Navarro. That's at ECF 142, and I
12 accepted that pursuant to an order at ECF 145. I would like to
13 confirm that the defendant was advised of his right to appear,
14 understood that right, and voluntarily gave up that right.

15 Without going through a long series of questions with
16 each counsel, what I am really trying to get to the heart of, I
17 would like for counsel to please describe to the Court how the
18 waiver document was provided or furnished to the defendant, the
19 circumstances, not the substance, obviously. I am not trying
20 to invade privilege here in which you discussed that document
21 with him or her.

22 Did you explain to the defendant that he or she had a
23 right to be present for the arraignment? And do you believe,
24 based on that conversation, understood that right and knowingly
25 and willingly gave up that right. Then I'd like to have

1 confirmation that it is the defendant's signature and your
2 signature that appears on that document.

3 Counsel to Mr. Navarro.

4 MR. KREISS: Yes, your Honor. I had a waiver drafted.
5 I explained it to Mr. Navarro. I explained he had the right to
6 be present before the Court personally. In light of the
7 COVID-19 situation, I explained to him the fact that the Court
8 was going to be performing this hearing telephonically. We
9 discussed the waiver. Mr. Navarro has executed the waiver and
10 wishes to proceed forward telephonically.

11 THE COURT: Thank you.

12 Is that your signature and your signature that appear
13 on the waiver document?

14 MR. KREISS: Yes, it is, your Honor.

15 DEFENDANT NAVARRO: Yes, your Honor.

16 THE COURT: Thank you, Mr. Navarro.

17 I am going to ask you if you heard what your counsel
18 just said and that is all accurate, correct?

19 DEFENDANT NAVARRO: Yes, your Honor.

20 THE COURT: There is nothing you wish to add?

21 DEFENDANT NAVARRO: No, your Honor.

22 THE COURT: Pursuant to Rule 10(b) of the Federal
23 Rules of Criminal Procedure, I find a knowing and voluntary
24 waiver by Mr. Navarro of his right to be present in person in a
25 courtroom for his arraignment.

1 Now, let's move on to the arraignment itself.

2 Mr. Navarro, have you seen a copy of the indictment?

3 DEFENDANT NAVARRO: Yes, your Honor.

4 THE COURT: Have you discussed it with your lawyer?

5 DEFENDANT NAVARRO: Yes, your Honor.

6 THE COURT: Do you wish for me to read it to you or do
7 you waive its public reading?

8 DEFENDANT NAVARRO: I am going to waive it, your
9 Honor.

10 THE COURT: You are charged in Count One and Three of
11 the indictment, both drug adulteration and misbranding
12 conspiracy counts.

13 How do you plead?

14 DEFENDANT NAVARRO: Not guilty, your Honor.

15 THE COURT: Thank you, Mr. Navarro.

16 Defendant Garcia.

17 MS. COLSON: I drafted the waiver. I sent a copy of
18 it to Ms. Garcia by e-mail. I discussed it with her over the
19 telephone. I explained to her that she had the right to be
20 present. I believe she understands that right and has
21 knowingly waived it. The written waiver contains both my
22 signature and Ms. Garcia's signature.

23 THE COURT: The waiver is filed on the docket at ECF
24 83. It was accepted by the Court and my order is ECF 88.

25 Based on the representations of counsel and the

1 written waiver that was filed, I find, under Federal Rule 10(b)
2 of the Federal Rules of Criminal Procedure, that the defendant
3 Erica Garcia has knowingly and voluntarily waived her right to
4 be present for her arraignment.

5 Ms. Colson, Mr. Garcia is charged with Count One, drug
6 adulteration and misbranding. She has in her waiver stated
7 that she has seen a copy of the indictment. Has she discussed
8 that indictment with you?

9 MS. COLSON: Yes, I have reviewed a copy of the
10 indictment with Ms. Garcia.

11 THE COURT: You on her behalf waive its public
12 reading?

13 MS. COLSON: I waive its public reading and enter a
14 plea of not guilty on Count One on her behalf.

15 THE COURT: Thank you.

16 Defendant Zulueta. Mr. Goldman.

17 MR. GOLDMAN: I discussed the waiver document with my
18 client by telephone. I explained his rights to appear for his
19 arraignment. He voluntarily waived his appearance and the
20 signature on that document is that of myself and my client.

21 THE COURT: Thank you.

22 The waiver and order accepting that waiver are at ECF
23 146 on the docket.

24 Mr. Goldman, Mr. Zulueta is charged in Count One, drug
25 adulteration and misbranding. He recites in his waiver that he

1 has a copy of the indictment. Has he discussed the charges
2 against him with you?

3 MR. GOLDMAN: Yes, your Honor.

4 THE COURT: And I assume you waive public reading of
5 the indictment on his behalf?

6 MR. GOLDMAN: That's correct, your Honor.

7 THE COURT: And does he plead guilty or not guilty to
8 the charges against him?

9 MR. GOLDMAN: Not guilty, your Honor.

10 THE COURT: Thank you.

11 Defendant Michael Tannuzzo.

12 MR. ROLLOCK: Good afternoon, Judge. Donald Rollock
13 for Mr. Tannuzzo.

14 THE COURT: Thank you, Mr. Rollock.

15 Please describe to me the circumstances in which the
16 waiver was prepared.

17 MR. ROLLOCK: Your Honor, I prepared the waiver. I
18 met with my client in person and went over the waiver with him.
19 I discussed the indictment with him, went over the entire
20 indictment with him, and he has authorized me to waive his
21 appearance for today, also enter a plea of not guilty to
22 charges against him, and he is waiving a public reading of said
23 charges.

24 THE COURT: It was your understanding that he
25 understood the charges against him?

1 MR. ROLLOCK: Yes, your Honor, he understood the
2 charges. We talked at length about them and he signed and
3 executed a waiver in front of me, and I did submit it on ECF.

4 THE COURT: I find, under Rule 10(b) of the Federal
5 Rules of Criminal Procedure, Mr. Tannuzzo has voluntarily waived
6 his right to be present at this arraignment.

7 Counsel has also answered my questions that his client
8 has seen a copy of the indictment. He has discussed it with
9 his client. I assume, counsel, that you waive a public reading
10 of the indictment on your client's behalf?

11 MR. ROLLOCK: I have so waived that reading.

12 THE COURT: And your client pleads.

13 MR. ROLLOCK: Not guilty.

14 THE COURT: Thank you.

15 Gregory Skelton.

16 MS. KIRSHNER: Isabelle Kirshner for Dr. Skelton, your
17 Honor. I discussed the waiver with Dr. Skelton. I provided a
18 copy to him. I provided it to him electronically. He signed
19 it. He returned it. I signed it. I submitted it to the
20 Court. He understood that he had a right to appear. He lives
21 in Indiana and chose not to. I discussed the indictment with
22 him. I waived his public appearance and enter a plea of not
23 guilty on his behalf.

24 THE COURT: I find, pursuant to Rule 10(b) of the
25 Federal Rules of Criminal Procedure, that Mr. Skelton has

1 knowingly and voluntarily waived his right to be present for
2 arraignment.

3 Mr. Skelton is charged in Count One, drug adulteration
4 and misbranding.

5 Based on counsel's recitation, I find that Mr. Skelton
6 has seen a copy of the indictment and discussed it with his
7 counsel.

8 I assume, counsel, you may have said this, but do you
9 waive a public reading of the indictment on your client's
10 behalf?

11 MS. KIRSHNER: I waive the public reading and enter a
12 plea of not guilty on his behalf.

13 THE COURT: Thank you, counsel.

14 Mr. Cohen is present on this call, so I will first ask
15 counsel to talk to me just about the waiver and how that came
16 into being.

17 MR. BARKET: Good afternoon, your Honor. We discussed
18 with Mr. Cohen his right to be present or to waive that right.
19 He chose to waive it. Our office drafted the waiver. It's his
20 signature and I believe my signature at the bottom of the
21 document, and he is willing to move forward telephonically.

22 THE COURT: Counsel, what does that mean, you believe
23 your signature?

24 MR. BARKET: I'm sorry, Judge. I was looking at my
25 partner here, and I signed it. It was either me or her and it

1 was me.

2 THE COURT: And that is your signature in fact, right?

3 MR. BARKET: Yes. I believe I wrote my name
4 underneath it because the signature is not always as legible as
5 it could be.

6 THE COURT: My point is, your I believe is not
7 expressing any skepticism that it is your signature.

8 MR. BARKET: No. It is my signature, Judge.

9 THE COURT: Thank you.

10 Let me turn to Mr. Cohen.

11 Mr. Cohen, that is your signature on the document?

12 DEFENDANT COHEN: Yes, your Honor, it is.

13 THE COURT: And you heard all of what I just discussed
14 with your attorney, correct?

15 DEFENDANT COHEN: Yes, I did.

16 THE COURT: Do you agree with what your counsel has
17 represented to the Court?

18 DEFENDANT COHEN: Yes, your Honor.

19 THE COURT: Is there anything you would like to add?

20 DEFENDANT COHEN: No, your Honor.

21 THE COURT: In any event, you are on this proceeding,
22 but you voluntarily give up your right to be present in a
23 courtroom for your arraignment, correct?

24 DEFENDANT COHEN: Yes, your Honor.

25 THE COURT: Pursuant to Rule 10(b) of the Federal

1 Rules of Criminal Procedure, I find a knowing and voluntary
2 waiver by Mr. Cohen of his right to be present physically for
3 arraignment.

4 Now, Mr. Cohen, have you seen a copy of the indictment
5 itself?

6 DEFENDANT COHEN: Yes, I have, your Honor.

7 THE COURT: And have you discussed it with your
8 lawyer?

9 DEFENDANT COHEN: Yes, I have, your Honor.

10 THE COURT: You are charged in Count One of the
11 indictment with drug adulteration and misbranding conspiracy.
12 Do you need me to read that into the record or do you waive
13 public reading?

14 DEFENDANT COHEN: I waive public reading, your Honor.

15 THE COURT: And how do you plead?

16 DEFENDANT COHEN: I plead not guilty, your Honor.

17 THE COURT: Thank you, Mr. Cohen.

18 Mr. Fishman, through counsel Mr. Feldman.

19 MR. FELDMAN: Yes, your Honor. Thank you.

20 With respect to the waiver, I sent the waiver to
21 Dr. Fishman on March 11, 2019. The waiver contains my
22 signature and Dr. Fishman's signature. Dr. Fishman and I
23 discussed over the phone his right to be present. Dr. Fishman
24 understood that right and Dr. Fishman knowingly waived the
25 right to be present at the arraignment.

1 I then submitted the waiver and a letter with the
2 waiver to the Court on March 13, 2020, which is docket entry
3 58.

4 I also discussed and reviewed with Dr. Fishman the
5 indictment and all of the allegations in the indictment.
6 Dr. Fishman understands the charges against him in the
7 indictment and waives a public reading of the indictment in
8 this case. Dr. Fishman pleads not guilty to Counts One through
9 Two in the indictment and demands a trial by jury on Counts
10 One through Two in the indictment.

11 THE COURT: Thank you, counsel.

12 Pursuant to the representations of counsel, I do find
13 that Mr. Fishman has knowingly and voluntarily waived his right
14 to be present for arraignment, and counsel has entered a plea
15 of not guilty on his behalf.

16 Ms. Gianelli. Mr. Fasulo.

17 MR. FASULO: Judge, I have received a copy of the
18 waiver. I reviewed the waiver with my client, Ms. Gianelli,
19 who lives in Delaware. She understood the waiver. She signed
20 the waiver, she sent the waiver back to the Court. That is her
21 signature, she confirmed to me, and she waives her right to be
22 in the appearance today. In addition, I sent her --

23 THE COURT: Is your signature on the document?

24 MR. FASULO: Yes, Judge. I signed the document.

25 THE COURT: That is your signature.

1 I find, pursuant to Rule 10(b) of the Federal Rules of
2 Criminal Procedure, that Ms. Gianelli has knowingly and
3 voluntarily waived her right to be present for arraignment.
4 She is charged with Count Two, drug adulteration and
5 misbranding.

6 Counsel, you have represented to me, I believe, that
7 Ms. Gianelli has seen a copy of the indictment and you have
8 discussed it with her, correct?

9 MR. FASULO: Judge, I sent a copy of the indictment to
10 her. I read and reviewed the indictment with her, answered her
11 questions, and she waives its public reading in court today,
12 and she wishes to enter a plea of not guilty. She understood
13 the indictment and the charges that are pending against her.

14 THE COURT: A plea of not guilty will be entered on
15 her behalf.

16 Defendant Jordan Fishman.

17 Mr. Joyce.

18 MR. JOYCE: Yes, your Honor. On behalf of Jordan
19 Fishman, I have reviewed the indictment with Mr. Fishman. We
20 then discussed his not traveling from Massachusetts to court.
21 I created the waiver, sent it to him electronically. He signed
22 it. He sent it back to me. I reviewed with him that it was
23 his signature and the contents of the waiver. He decided he
24 did not want to come to New York for the arraignment. I signed
25 the document and then I filed it with the Court.

1 THE COURT: And that paper is filed at ECF 114. The
2 order by me accepting it is at ECF 128. I find, based on
3 counsel's representation, that Mr. Jordan Fishman has knowingly
4 and voluntarily waived his right to be present at the
5 arraignment within the meaning of Rule 10(b) of the Federal
6 Rules of Criminal Procedure.

7 Counsel, has your client seen the indictment,
8 discussed with you the charges against him, specifically Count
9 Two, the drug adulteration and misbranding charge, and do you
10 waive public reading on his behalf?

11 MR. JOYCE: Yes, your Honor. He has reviewed it. We
12 waive a public reading on his behalf. I enter a plea of not
13 guilty on his behalf.

14 THE COURT: A plea of not guilty is entered on behalf
15 of Mr. Jordan Fishman.

16 Defendant Rick Dane.

17 MR. SCHOLAR: I discussed with Mr. Dane his right to
18 be present on March 20. We discussed the waiver. I drafted
19 the waiver and sent the waiver to him by e-mail. We went over
20 the waiver by phone at the same time. He signed it and
21 electronically forwarded it back to me. I signed it and filed
22 it with the Court.

23 With respect to the indictment, Mr. Dane has a copy of
24 it. We reviewed the indictment on March 19, 2020. I waive a
25 public reading on his behalf, and I would also ask to enter a

1 plea of not guilty on his behalf.

2 THE COURT: The waiver by Mr. Dane is at ECF 132. My
3 order accepting it is at ECF 136.

4 I find, based on counsel's representation, that
5 Mr. Dane has knowingly and voluntarily waived his right to be
6 present at today's arraignment, and a plea of not guilty will
7 be entered on his behalf.

8 Defendant Christopher Oakes.

9 MR. FLYNN: Good afternoon, your Honor. This is Terry
10 Flynn on behalf of Christopher Oakes.

11 I also prepared the waiver of appearance, explained it
12 in detail and presented it to my client. He understood the
13 waiver, and I explained to him in detail his right to be
14 present. He knowingly and willingly gave that up right to
15 appear.

16 Also, in this one, your Honor, you will see the
17 signatures on the waiver are both mine and Mr. Oakes'
18 signature. He has seen also the indictment and I have
19 explained to him. I read it to him in detail. He understands
20 it and he waives the public reading of the indictment. It is
21 his desire to enter a plea of not guilty to the charges in the
22 indictment against him.

23 THE COURT: Thank you, counsel.

24 Pursuant to Rule 10(b) of the Federal Rules of
25 Criminal Procedure, based on counsel's representation, I find a

1 knowing and voluntary waiver of defendant's right to be present
2 for his arraignment, and a plea of not guilty has been entered
3 on his behalf.

4 Defendant Jason Servis.

5 MS. GLAVIN: Yes, your Honor. I discussed with Mr.
6 Servis his right to be present at the arraignment and discussed
7 the waiver of appearance, which is reflected in docket No. 77.
8 Mr. Servis knowingly and voluntarily waived his right to be
9 present today. Again, it's reflected in docket 77, which the
10 Court accepted at docket 88.

11 He had received a copy of the indictment. I reviewed
12 the charge, he is charged with Count Three, with him. He
13 waives its public reading. And he pleads not guilty to the
14 count which he is charged in the indictment.

15 THE COURT: Thank you, Ms. Glavin. One moment,
16 please.

17 Based on counsel's representations, I do find that Mr.
18 Servis has knowingly and voluntarily waived the right to be
19 present for this arraignment within the meaning of Rule 10(b)
20 of the Federal Rules of Criminal Procedure. His waiver is
21 filed on the docket at ECF 77. I believe my order accepting it
22 is at ECF 88.

23 He is charged in Count Three, as Ms. Glavin has stated
24 on the record, which is adulteration and misbranding conspiracy
25 charge, and the plea of not guilty will be entered on his

1 behalf.

2 THE COURT: Defendant Kristian Rhein.

3 Mr. Scaring.

4 MR. SCARING: I prepared the waiver. I sent it to the
5 client. I discussed it with him. He understood it and agreed
6 to the terms. I was not in the office at that time, so I
7 directed him to go to my office and sign it, which he did. I
8 don't have a copy in front of me, but I believe it was signed
9 by my partner, Susan Carman. I can reach out to her to confirm
10 that, but I believe that's the way it occurred.

11 However, I did fully discuss it with him and did
12 prepare it, and he signed it in my office. I discussed the
13 indictment with him. I gave him a copy. He read a copy of the
14 indictment. And it is his intention to waive a reading and
15 enter a plea of not guilty.

16 THE COURT: It does appear that the waiver is signed
17 by Susan Scaring Carman, who you are telling me is your
18 partner?

19 MR. SCARING: Yes.

20 THE COURT: You don't have any reason to doubt that
21 she actually signed that document, do you?

22 MR. SCARING: No, your Honor.

23 THE COURT: Based on counsel's representations, I do
24 find a knowing and voluntary waiver by Ms. Rhein of appearance
25 at arraignment, pursuant to Rule 10(b) of the Federal Rules of

1 Criminal Procedure. Ms. Rhein is charged in Count Three with
2 adulteration and misbranding. A plea of not guilty is entered
3 on her behalf.

4 MR. SCARING: On his behalf, your Honor.

5 THE COURT: On his. I'm sorry. Thank you.

6 Mr. Kegley

7 MR. COX: Judge, thank you.

8 My partner, Mike Mazzoli, drafted the waiver document
9 and e-mailed the letter to Mr. Kegley in Lexington, Kentucky.
10 I discussed with Mr. Kegley over the phone, reviewed it with
11 him, answered any questions that he had. He fully understood
12 it and favored proceeding in this manner. He knew he had a
13 right to be present today, and he knowingly waived it.

14 Mr. Kegley signed the document in Lexington and
15 e-mailed it back to us, and I then signed the document after we
16 received it.

17 We also acknowledge receiving a copy of the
18 indictment, your Honor. We had reviewed that personally in
19 some detail because he came to Louisville. We waive any formal
20 reading of the indictment and ask you to enter a not-guilty
21 plea to the one count which he appears, which is Count Three,
22 your Honor.

23 THE COURT: Thank you.

24 Mr. Kegley's waiver appears on the docket at ECF 30.
25 My order accepting it is at 135.

1 I find counsel's representations that that Mr. Kegley
2 has knowingly and voluntarily waived his right to be present at
3 today's arraignment within the meaning of Rule 10(b) of the
4 Federal Rules of Criminal Procedure. He is, as counsel said,
5 charged in Count Three, drug adulteration and misbranding
6 conspiracy. Counsel has represented that he reviewed that
7 indictment with Mr. Kegley and that he waives reading on behalf
8 of his client. A plea of not guilty is entered on behalf of
9 Mr. Kegley.

10 Defendant Alexander Chan.

11 MR. BAUM: Yes, your Honor. I prepared the waiver
12 document, and I mailed it to Mr. Chan. When he received it, we
13 discussed it fully. I advised him of all his rights. He
14 signed it. He sent it back to me signed. It was signed by
15 counsel and provided to the Court.

16 Mr. Chan is charged in Count Three of the indictment.
17 I actually met with him personally to review Count Three and
18 provided him with a copy of the indictment. We waive its
19 public reading, and I would enter a plea of not guilty on his
20 behalf.

21 THE COURT: Thank you very much.

22 On counsel's representations, I find, pursuant to Rule
23 10(b) of the Federal Rules of Criminal Procedure, that Mr. Chan
24 has knowingly and voluntarily waived his right to be present
25 for today's arraignment, and I will enter a plea of not guilty

1 with respect to the count against him, Count Three, drug
2 adulteration and misbranding conspiracy.

3 Has counsel for Mr. Argueta joined us?

4 We will have to make arrangements for him to be
5 arraigned separately.

6 Defendant Surick.

7 MR. DONOHUE: Good afternoon, your Honor, this is Tim
8 Donohue on behalf of Mr. Surick.

9 THE COURT: Can I interrupt you. Before we move on.

10 I will note for the record that Mr. Argueta has filed
11 on the docket a waiver of appearance at today's arraignment and
12 that was accepted by the Court. That's at ECF 90 and my order
13 accepting that waiver IS at 97. Each of the waivers filed by
14 the defendants do recite that the defendant has seen a copy of
15 the indictment, that counsel has discussed it or that the
16 client, the defendant, has discussed it with his lawyer, that
17 he enters a plea of not guilty to the charges against him.

18 So that is part of the record with respect to
19 Mr. Argueta.

20 I'm sorry, counsel.

21 MR. DONOHUE: I drafted the waiver, your Honor. I
22 went over the waiver with Mr. Surick at length. He understood
23 his right to be present today. He understood those rights. He
24 waived his appearance. I can verify that both my signature and
25 his signature are on the waiver that was filed with the Court.

1 THE COURT: Based on representations that pursuant to
2 Rule 10(b) of the Federal Rules of Criminal Procedure, I find a
3 knowing and voluntary waiver of this defendant, Nick Surick's
4 right to be present for this arraignment.

5 Mr. Surick is charged in Count Four, Five, and Six of
6 the indictment. That's two counts of drug adulteration and
7 misbranding conspiracy and two counts of obstruction. I will
8 note for the record his waiver is filed on ECF 112, with my
9 order accepting it at ECF 124.

10 Counsel, with respect to arraignment of your client,
11 has he seen and have you reviewed with him a copy of the
12 indictment?

13 MR. DONOHUE: I received a copy of the indictment. I
14 reviewed the indictment with him at length. We waive a public
15 reading. We would ask the Court to enter a plea of not guilty
16 to all counts.

17 THE COURT: Counsel, the question is, has your client
18 seen a copy of the indictment?

19 MR. DONOHUE: Yes, he has a copy. We reviewed it
20 together.

21 THE COURT: Thank you.

22 The Court will enter the plea of not guilty to the
23 charges against Mr. Surick.

24 Defendant Rebecca Linke.

25 MR. WIKSTROM: Good afternoon, your Honor.

1 I met with Ms. Linke on March 16, discussed the
2 arraignment and her right to be present at it. The following
3 day I prepared a waiver which recited that she was aware of
4 these rights and willingly waived them and asked the Court to
5 enter a not-guilty plea to Count Four, the one count of the
6 indictment in which she is named.

7 We did discuss the indictment at length and I waive
8 its public reading. And based on the waiver document, which is
9 at ECF 81, I ask the Court to enter a not-guilty plea on her
10 behalf.

11 THE COURT: Thank you.

12 Pursuant to Rule 10(b) of the Federal Rules of
13 Criminal Procedure, I find that defendant Rebecca Linke has
14 voluntarily and knowingly waived her right to be present for
15 arraignment. My order accepting her waiver is at ECF 87.

16 As counsel has recited, Ms. Linke is charged in Count
17 Four of the indictment, drug adulteration and misbranding
18 conspiracy, and counsel has entered a plea of not guilty on her
19 behalf.

20 Defendant Christopher Marino.

21 MR. OKSENHENDLER: Hello, Judge.

22 I previously discussed with Mr. Marino regarding his
23 right to appear before the Court today, which he knowingly and
24 intelligently and voluntarily waived. I discussed with him the
25 indictment at the presentment, gave him a copy of the

1 indictment, had him sign the waiver form that I prepared. I
2 executed it after it was corrected by your Honor. I would ask
3 if you accept it, and we would enter a not-guilty plea.

4 THE COURT: Thank you.

5 The waiver is at ECF 127. I have accepted that waiver
6 now. My order to do so was at ECF 139. On that written waiver
7 and counsel's representations, I find that defendant
8 Christopher Marino has, under Rule 10(b), knowingly and
9 voluntarily waived his right to be present for arraignment
10 today. Counsel has entered a plea of not guilty to Count Four,
11 drug adulteration and misbranding conspiracy charged in the
12 indictment.

13 MR. OKSENHENDLER: Thank you, your Honor.

14 THE COURT: Let me just circle back and ask, has
15 counsel for Mr. Argueta joined the call?

16 MS. ONAODOWAN: Yes, your Honor. This is Esere
17 Onaodowan for Mr. Argueta.

18 I apologize to your Honor. My apologies for joining
19 late. I had a family emergency and was able to now call in.
20 My apologies for wasting the time of my colleagues and also the
21 time of the Court.

22 THE COURT: Counsel, I appreciate your statement. I
23 hope all will be well with your family.

24 We are coming to the end of the arraignment portion of
25 our discussion. There were a lot of preliminaries. I

1 discussed with counsel some of the bail conditions. You can
2 get a copy of the transcript or confer with your colleagues
3 about what was already said with regards to that.

4 Right now I would like to hear from you -- counsel, I
5 would like everybody to confirm that they have muted their
6 phones. And whomever didn't previously mute it may be fully
7 embarrassed by the conversation that you just put on the
8 record.

9 I'm sorry, counsel for Mr. Argueta. I had gone
10 through with each of the defendants on the phone or their
11 counsel asking you to please describe to me how the waiver
12 executed by your client, which in the case of Mr. Argueta is at
13 ECF 90, accepted by the Court at ECF 97, the circumstances of
14 the creation of that document.

15 Did you explain to your client that he had a right to
16 be present in court for his arraignment? Do you believe, based
17 on that conversation, that the defendant understood the right
18 and willingly and knowingly gave up that right?

19 MS. ONAODOWAN: Yes, your Honor. I did meet with my
20 client, Henry Argueta. In our meeting we discussed at length
21 his right to appear in court for his arraignment. I explained
22 what a waiver of his presence would mean. My client is aware
23 of the rights that he is waiving, and he did indicate that he
24 was willing to waive those rights.

25 I then drafted the waiver pursuant to the meeting that

1 I had with my client, and I submitted that waiver to your
2 Honor. I did sign and my client did sign the waiver. I also
3 signed the waiver as well.

4 THE COURT: Thank you.

5 The Court does find, based upon the waiver at ECF 90,
6 which was accepted by the Court at ECF 97, and counsel's
7 representations that Mr. Argueta has knowingly and voluntarily
8 waived his right to be present for arraignment today.

9 Counsel, I would ask you the following questions. Has
10 your client seen a copy of the indictment? Did you discuss it
11 with your client? Do you, on his behalf, waive its public
12 reading? And how does your client plead to the charge in Count
13 Three, drug adulteration and misbranding, with which he is
14 charged?

15 MS. ONAODOWAN: Your Honor, my client has seen a copy
16 of the indictment. I gave it to him at the presentment. We
17 discussed the indictment. We also discussed Count Three, which
18 is what he was charged with. My client at this point enters a
19 plea of not guilty, and we waive a further reading.

20 THE COURT: Thank you very much.

21 That concludes the arraignment of all 19 of the
22 defendants in this case. Let's briefly come to a conference
23 and talk about the case generally and the conduct of this case.

24 Why don't we begin, I'll hear from the government
25 generally about the background of the case. Keeping in mind I

1 have read the indictment, I don't need a great deal of detail.

2 MR. ADAMS: Without going through the details because
3 of the length of the indictment, this is a case that began with
4 an FBI investigation several years ago at this point and has
5 focused generally on doping and the use of
6 performance-enhancing drugs to win professional horse racing,
7 both in the thoroughbred and standard bred world. And across
8 the industry, as your Honor can tell from the indictment --

9 THE COURT: Counsel, please, everyone except for
10 Mr. Adams right now should have their phone on mute.

11 Go ahead, Mr. Adams. I'm sorry.

12 MR. ADAMS: I apologize in advance. There will be a
13 baby screaming in just a minute. That is not anybody else.

14 THE COURT: That is your baby?

15 MR. ADAMS: That will be mine.

16 The investigation has involved a number of different
17 forms of information collection over the span of the case.
18 Those have included in-person meetings and covertly recorded
19 meetings by confidential sources. It has included, as the
20 indictment recites, and as some of the letters before this
21 conference recite, a number of wiretaps over a series of phones
22 and that, in total, span approximately one year's worth of
23 time.

24 At any given point during that year there were
25 generally between, I would say on average, three and four

1 phones being intercepted at once. Certain phones were picked
2 up early in the case, dropped, and then spun off onto other
3 defendants' phones. And when it comes to discovery, that is
4 going to comprise, by far, the bulk of the data in discovery.

5 In addition to the recordings and the defendants' own
6 words on those in-person and wiretap recordings, there have
7 been a number of other investigative techniques used. There
8 have been a number of surreptitious search warrants conducted:
9 Two on the physical premises, one on the premises of
10 Mr. Servis, another at a barn and what the government will
11 describe as a small pharmacy controlled by Mr. Oakes. And then
12 a handful of surreptitious warrants and searches of cellular
13 telephones of defendants and others coming across the U.S.
14 border at airports, generally.

15 There are bank records and other proofs of grand jury
16 investigations and at this point, in light of the arrest, there
17 are also a number of electronic devices that have been seized
18 both from Mr. Fishman back in October, as his letter lays out
19 this morning, as well as roughly 17 of the defendants in this
20 case, at least one electronic device seized from 17 of the
21 defendants in this case. And for some those were personal cell
22 phone seizures as well as electronic devices in the form of
23 computers, hard drives, thumb drives from those arrests and a
24 number of search warrants executed on the day of most of the
25 arrests, on March 9 of this year.

1 The investigation, I'll note, also continued. As part
2 of what I will describe in terms of discovery, there are still
3 documents and records coming into the government from various
4 parties, people who have received processing form of subpoenas
5 or search warrants that are still coming in to us today. Of
6 course, there is quite a few electronic devices still within
7 the FBI's control for which warrants have been obtained, and
8 now the execution of the warrants is underway and the imaging
9 and pertinency reviews for each of those devices is underway
10 but will pointedly take some time under the present
11 circumstances.

12 If the Court has any other questions about the
13 background of the case, I'm happy to address it now.
14 Otherwise, I have some thoughts and proposals in terms of
15 timing and I'll pause here.

16 THE COURT: Let's hold off on the timing for a moment.
17 Let me just ask you kind of one other status update question.
18 What's the status of the speedy trial clock?

19 MR. ADAMS: Your Honor, speedy trial time was excluded
20 originally by Judge Wang on the 9th through what was the
21 original date for the conference of March 23. At the time that
22 we pushed that back, the Court also excluded time *sine die*
23 originally and subsequently through today's date. So it's our
24 understanding that with respect to all of the defendants, time
25 has been excluded from the day of presentment, March 9.

1 THE COURT: Let me pause here. One other background
2 question for the government. You stated to me that the
3 investigation is still continuing. Is the government
4 anticipating filing any superseding indictment, adding any
5 defendants, any additional charges?

6 MR. ADAMS: Your Honor, this is something that we are
7 certainly considering in large part that will turn on two
8 things. One, the content of the documents and continued
9 investigation going forward, which is certainly continuing at
10 full steam.

11 I'll note, just for the Court's awareness, there are
12 two individuals charged by complaint in the immediate aftermath
13 of the original arrest, both of whom remain on complaint,
14 neither of whom are indicted currently. And my current view is
15 they are likely not to be indicted in this case, but likely to
16 be superseded into one of the other cases, the case before
17 Judge Castel that I cited: One, so that the Court is aware, we
18 don't expect that those three defendants will be joining this
19 set of defendants; and, two, just an example of how the
20 investigation is in fact continuing to unfold.

21 The second thing, obviously, that will drive whether
22 or not we are superseding charges, as opposed to defendants, is
23 the prospect of dispositions early and whether or not
24 essentially cases are wrapped up before we come to a point of
25 deciding, let's supersede if it's appropriate.

1 THE COURT: Let me pause there and ask, does any
2 defendant have anything they wish to say with respect to what
3 the government has put on the record?

4 MR. BAUM: Your Honor, in anticipation of your Honor
5 asking questions about potential scheduling, I know your Honor
6 did not go into that with the government, all of the defense
7 attorneys have conferred, and we were concerned, as you
8 expressed earlier concerns, about 20 or more attorneys in a
9 telephone conversation talking one after the other and possibly
10 repetitive conversation, and certainly it might not be the most
11 effective and efficient way to convey our thoughts. All of the
12 defense attorneys conferred and they asked me to speak on their
13 behalf.

14 THE COURT: Can we hold on for a moment about that.

15 MR. BARKET: Your Honor, I don't have a problem with
16 the gentleman speaking, but he is not speaking on behalf of
17 Mr. Cohen.

18 THE COURT: Counsel, thank you. We are going to hold
19 on for a minute about scheduling and all of that.

20 I simply asked, does anybody on the defense side wish
21 to comment on or add anything to or disagree with anything that
22 was put on the record by Mr. Adams either with respect to the
23 nature of the case or the status of the speedy trial clock? I
24 guess you won't have anything you can tell me about whether the
25 government will be filing any additional charges or adding

1 additional defendants.

2 Let me ask one more question to the government. I
3 assume there are not any victims entitled to notice under the
4 Crime Victims' Right Act in this case.

5 MR. ADAMS: Your Honor, there are not. There are
6 certainly affected jurisdictions. For example, the racing
7 commissions of New Jersey, Florida, New York, Delaware, and
8 elsewhere. And all of them are aware of the case generally and
9 these proceedings.

10 THE COURT: Any defendant wish to be heard on that
11 point?

12 Let me hear from the government about the status of
13 discovery. Mr. Adams has outlined for us the types of evidence
14 he expects to be producing. I would like to hear more about
15 the status of discovery. I signed a protective order in this
16 case, at the government's request, after asking whether there
17 were any objections. No objections were filed.

18 I was advised that there were no objections to that
19 order by defendants and that the government had run that by
20 everybody and in fact made some revisions based on input it
21 received. I entered that protective order on March 25 and that
22 is on the docket. I assume that since that date, certainly,
23 there is no reason why things could not be produced to defense
24 counsel.

25 I don't know who wants to be heard from the government

1 with regard to the status of discovery.

2 MR. ADAMS: We appreciate the protective order being
3 in place. It certainly put us in good stead for moving
4 discovery out generally. Even prior to the protective order
5 being signed, the government was providing, when requested,
6 certain defendants and many of them did request particular
7 kinds of discovery to orient people and give them at least an
8 introduction into what the case would look like.

9 Principally, those included Title III draft line
10 sheets for particular defendants, affidavits for wiretap
11 applications or search warrants that acted as what I'll say is
12 sort of the roadmap to the case for those particular people.

13 That's been already rolling out.

14 We expect that today there will be a link available on
15 a platform called USAFX, which is an electronic platform for
16 producing discovery and that we will get that out to counsel
17 generally today. That is going to include a substantial
18 document production and, again, that's going to be focused in
19 the initial instance on Title III line sheets for the charged
20 defendants' phones. It will focus on affidavits for those line
21 sheets, as well as affidavit of various kinds. For example,
22 the physical proceeds warrant, the electronic device warrant, a
23 handful of e-mails and other kinds of 2703 warrants and, at
24 least for a handful of defendants, GO location warrants; for
25 example, GPS data from cellular telephones.

1 We are also going to be prioritizing both agent
2 reports, written reports and eventually, although perhaps not
3 today, the audio of postarrest statements for any defendants
4 who may have made one.

5 THE COURT: Are there?

6 MR. ADAMS: I'm sorry, your Honor?

7 THE COURT: Are there such postarrest statements?

8 MR. ADAMS: For a number of defendants there are
9 postarrest statements. I believe that we have spoken with
10 counsel, where applicable, to let them know that exists. And,
11 in any event, we plan to make the reports, if they exist,
12 available in early stages of production, including this week.

13 THE COURT: Those were reported, right?

14 MR. ADAMS: Most, if not all of the statements, to the
15 extent that there was a substantive postarrest interview, as
16 opposed to a declination of an interview, should be video
17 recorded. And where we have a video recording we will provide
18 it. If it was audio recorded, we will provide that as well.
19 And the agent's memoranda, the FBI 302 reports will come as
20 well.

21 The idea of the early sets of production is to
22 prioritize. One, items and documents that, again, provide a
23 good roadmap for the case generally. Things like the
24 affidavits, Title III, and the search warrants will make
25 reference to various other kinds of evidence that will be

1 forthcoming, so they are good to have up front.

2 And, two, to give counsel the kinds of evidence that
3 we think is most likely to form the basis for suppression
4 motions, if any, are going to be filed.

5 I'll pause before I turn to the next stage of the
6 discovery.

7 THE COURT: Counsel, when do you expect you are going
8 to substantially complete this first phase and how many phases
9 are you contemplating?

10 MR. ADAMS: The first phase we will complete this
11 week, meaning the documents that I just described. I'll call
12 phase 2 will include other kinds of business records, paper
13 documents that we have in hand already and scanned, as well as
14 audio files for the Title III intercepts and for consensual
15 recordings. Those documents or, rather, the audio files are
16 going to be voluminous.

17 Those are things that we probably cannot post to the
18 online platform that I have described. We have already been in
19 contact with defense counsel about the need for hard drives to
20 provide the audio as well as some of the electronic evidence.
21 We have had conversations about volume on that front.

22 To begin with, I think that we have been talking about
23 500-gigabyte hard drives. Like the electronic devices that got
24 picked up at the time of arrest, that volume may well grow.
25 And as we learn about the volume from those devices, we can

1 keep both defense counsel and the Court apprised of whether the
2 volume substantially rose. If we end up talking about multiple
3 terabytes, we will certainly be alerting everybody.

4 That phase, meaning the electronic documents we have,
5 as well as the audio for the Title III, assuming that we have
6 the hard drives in hand for -- I know there has been an
7 application. There may be some discussion about a discovery
8 coordinator. One or the other. Those are things that we
9 expect will probably take another month to upload and return,
10 in large part because we have staffing issues at the U.S.
11 Attorney's Office, in particular with respect to our IT and
12 paralegal team.

13 If we call that the end of phase 2, then phase 3 is a
14 more time-consuming phase and that is the extraction of
15 electronic documents and electronic records from the devices I
16 described earlier and the FBI's review of those devices
17 pursuant to any warrant that applies to the device.
18 Realistically, I think that it will take -- in these
19 circumstances are going to continue for a while. I think six
20 months to complete that. And I recognize that's a lengthy
21 period of time, but in light of the volume and the manpower
22 constraints, I think that is a realistic estimate.

23 THE COURT: Let me ask you to pause there. I first
24 want to ask, I think it was Mr. Oksenhendler who submitted a
25 letter to me proposing that I appoint Emma Greenwood as a

1 discovery coordinator.

2 MR. OKSENHENDLER: That's correct, Judge.

3 THE COURT: There is a notation on the docket that
4 advising that, as a general matter, I know Ms. Greenwood has
5 been appointed in numerous cases in this district and elsewhere
6 and it sounds like probably it's a good idea in this case and
7 would help facilitate things. I asked that you talk to the
8 rest of the defendants and the government, find out if there
9 were any objections. Submit to me a proposed order. I have
10 gotten nothing.

11 MR. OKSENHENDLER: Yes, Judge. We had a
12 teleconference yesterday among the defense counsel to discuss
13 this. I think Mr. Baum is going to speak on this matter, we
14 agreed that he would, to discuss the consensus of the defense
15 counsel.

16 I also arranged, if you'd like to speak to
17 Ms. Greenwood, she is awaiting my text and is available to call
18 in if your Honor so desires.

19 THE COURT: I don't need to speak to Ms. Greenwood.
20 As I said, I'm well aware of what she does and the fact that
21 she has been appointed in numerous cases in this district, and
22 I had asked that an order be submitted after consultation with
23 the rest of counsel in the case in order to try to move things
24 along, and I had not received it. That order needs to address
25 what her responsibilities will be, which is fairly standard and

1 kind of a bullet point format saying her responsibilities will
2 include.

3 I asked that there be a discussion about how she is
4 going to be compensated. I understand where she works and that
5 the office of the court generally takes care of that. But that
6 needs to be memorialized in an order. And given that we do not
7 have defendants on the phone and I cannot basically allocute
8 each of them to make sure they understand, there needs to be a
9 recitation in that order that Ms. Greenwood is not counsel.
10 While she is an attorney, she is just a discovery coordinator.
11 She is not acting as counsel to any defendant or to the
12 defendant group collectively, that you each have discussed that
13 with your clients and that they understand that and recognize
14 that no attorney-client privilege will be created with her.

15 MR. OKSENHENDLER: I have such paperwork together. I
16 think there were some issues. And, again, Mr. Baum, I'm happy
17 to give the floor to him to discuss with the Court the
18 consensus that we came to. If everyone is in agreement, I can
19 submit all of the paperwork you just described in short order.

20 THE COURT: Why don't we have Mr. Baum report to me on
21 where you're at with this.

22 MR. BAUM: Thank you, Judge. I think Guy can probably
23 give you more detail than I can. But pursuant to your order we
24 did confer. I can't say that we had every counsel on the
25 conference call. The most recent conference all among defense

1 was just yesterday. The reason you didn't get the order is
2 because we did not have the opportunity to speak to all of the
3 defense counsel which are on the phone today. But the
4 consensus is that we would endorse Emma Greenwood as a
5 discovery coordinator. And, as you just heard, that is
6 assuming that we can have consensus among other defense
7 attorneys we can provide the Court with the proposed order very
8 soon.

9 THE COURT: Anybody else wish to be heard on this
10 subject?

11 Is there any objection to the request that there be a
12 discovery coordinator appointed?

13 MR. FELDMAN: Your Honor, there is no objection as to
14 a discovery coordinator being appointed. I would, however,
15 submit to the Court that Dr. Fishman will not join in in the
16 request to have this particular person be discovery
17 coordinator. We are just going to do it in house and absorb
18 the costs.

19 THE COURT: That's fine. But you have no objection to
20 the other defendants requesting that a coordinator be
21 appointed, do you?

22 MR. FELDMAN: Absolutely not.

23 THE COURT: Does the government have any objection to
24 the request?

25 MR. ADAMS: No, your Honor.

1 THE COURT: Any other defendant wish to be heard? The
2 subject being appointment of a discovery coordinator and
3 specifically Ms. Greenwood.

4 As I had previously noted in the order I entered on
5 the docket, the Court embraces the concept of Ms. Greenwood
6 acting as a discovery coordinator in this case and will sign an
7 appropriate order.

8 Counsel to the defendants, I don't care if it's
9 Mr. Baum or if it's Mr. Oksenhendler or who it is, but somebody
10 ought to put together or find from another case -- I have
11 multiple examples myself of cases and orders in which
12 Ms. Greenwood has been appointed as a discovery coordinator.

13 Excuse me. Put pen to paper. Prepare an order.
14 Circulate it by e-mail to all defense counsel and get comments
15 and then give me a proposed order so we can move things along
16 here.

17 MR. OKSENHENDLER: I will do that, Judge.

18 THE COURT: Thank you, sir.

19 You have heard all from the government about what it's
20 proposing in terms of discovery and a time frame. Why don't I
21 hear from the rest of the parties.

22 I will tell you this, that what I plan to do in this
23 case, after we finish talking about the time frame for
24 discovery and how it's going to be rolled out, it's obviously
25 happening on a rolling basis, but I intend to allow a

1 reasonable period of time for discovery to be produced and for
2 the defendants thereafter to review that discovery in order to
3 figure out what motions they contemplate or might think are
4 appropriate and then for us to reconvene at some point for a
5 further conference at which I plan to set the schedule for
6 motions and a trial date.

7 I will hear from anybody on the defense side who
8 wishes to address that issue of, A, discovery in general and,
9 B, scheduling.

10 MR. BAUM: Yes, your Honor.

11 Judge, our suggestion was going to be just what you
12 articulated. We think that would be the most efficient and
13 effective way to move forward, certainly waiting until
14 discovery is completed. As you heard from the government,
15 discovery is voluminous. We all would like an opportunity to
16 receive it. We are going to receive it on a rolling basis. We
17 are going to review it as expeditiously as possible. But there
18 is agreement that it should take reasonably, as Mr. Adams said,
19 six months and that on a rolling basis we won't get discovery,
20 I'll assume, until close to the end of that six-month period.
21 There is a variable there, which involves the FBI lacks ability
22 to do the work that needs to be done, which is to get into the
23 electronic devices, download them, review them, and then
24 provide them to counsel. That's a variable that could push it
25 past six months.

1 Our suggestion to the Court would be just as you
2 articulated, Judge. We would like to get discovery completed.
3 We would then be prepared to have a conference at which we can
4 discuss a motion schedule at that time.

5 Judge, I just want to point out, Mr. Adams outlined
6 some of the discovery, and he did a wonderful job doing that.
7 He mentioned it was voluminous. Just by way of example, the
8 wiretaps alone were over a period of one year, involve seven
9 defendants. And based on some of the line sheets we have seen,
10 we are probably looking at reviewing tens of thousands of
11 conversations.

12 The discovery itself may take six months, and we are
13 hopeful that we will have a reasonable opportunity to review
14 all the discovery. Obviously, once the government completes
15 their discovery, we may not have been in a position yet to
16 review everything that was provided to us, and we would just
17 like the Court to take that into consideration moving forward.

18 THE COURT: I understand that. But, obviously, if the
19 government is producing things on a rolling basis, I expect
20 it's going to be reviewed on a rolling basis as well. You are
21 not going to wait six months until you have everything in hand
22 and then first start reviewing.

23 MR. BAUM: That's absolutely accurate, your Honor.
24 That is a fact. Our concern, as the government articulated,
25 with sort of the stages is that we may not get things until say

1 the six months and what we probably will get last is these
2 electronic reviews by the FBI, which are very time consuming
3 for us to review. Some of it has to be reviewed with experts.

4 All I'm saying is, yes, absolutely. We will review
5 everything we are provided expeditiously as we receive them.
6 But if we don't receive things until the end of the six months,
7 it will be a time period following that which we view would be
8 necessary. I just want you to consider that. It may not
9 happen. We may receive everything in four months and be able
10 to report back within that six-month period, but I am just
11 outlining that for you as a possible glitch for everyone to say
12 we have reviewed everything at the end of that six-month
13 period.

14 THE COURT: Counsel, I hear what you are saying. And
15 you've endorsed, which I appreciate, my plan that we will have
16 a further conference and at that conference we will set a
17 schedule for motions and a trial date. But you haven't talked
18 to me about what kind of a time frame the defendants on whose
19 behalf you are speaking contemplate, and I recognize you do not
20 speak on behalf of all defendants.

21 MR. BAUM: That's correct, Judge. Our feeling, Judge,
22 was that perhaps a conference in eight months, two months after
23 the discovery is completed, at which time we will hopefully
24 have completed a total review of everything that's been
25 provided.

1 Or, if your Honor wishes, we can have a status
2 conference before that to determine whether discovery has been
3 provided, how much more needs to be provided and how long it
4 took. So at that point we can set further conference date. We
5 leave that up to the Court. We totally endorse your
6 suggestion, though, in principle, that we should have an
7 opportunity to review all the discovery before we talk to the
8 Court about motions.

9 Just in terms of motions, Judge, I would like to put
10 forward to you what kinds of motions we are already
11 contemplating based on Mr. Adams articulation of the evidence.
12 And the motions could be extremely lengthy, complex, and
13 expansive. We are talking about motions addressing the
14 wiretaps, the search warrants, the statements, seizure of
15 physical evidence. There may be motions attacking the
16 government's intended scientific evidence, which could lead to
17 *Daubert* hearings, which could be extensive and involve many
18 experts and that in itself could take months of preparation.
19 We are not asking now for a motion schedule. We are just
20 alerting the Court to the kinds of motions that we would be
21 talking about when discovery is completed.

22 THE COURT: Thank you.

23 Does anybody else wish to be heard? Mr. Barket.

24 MR. BARKET: No, Judge. Thank you. I just wanted to
25 make the point that, I forgot who it was, but he wasn't

1 speaking for everyone. We have our own discovery schedule and
2 coordinator that we will use internally.

3 THE COURT: Will you talk to me about the schedule
4 you're contemplating.

5 MR. BARKET: I'm happy with what they suggested. I
6 meant a schedule for reviewing the discovery as it comes in and
7 any motions that we think are appropriate. We are not just
8 participating in the Emma Greenwood coordination process.

9 THE COURT: Someone else wish to be heard?

10 MR. SCARING: Yes, your Honor. The only issue that I
11 think could be problematic would be setting a trial date at the
12 first conference. Obviously, there is going to have to be more
13 than one trial date. We are going to have some kind of a split
14 up, given the number of defendants.

15 THE COURT: Counsel, we will deal with that when we
16 get to the appropriate point in time. I'm not talking now
17 about anything relating to severance. It's too premature.

18 MR. SCARRING: My suggestion would be we have at least
19 two conferences before we actually schedule a conference date
20 moving forward. Because of what's going on with the virus, a
21 lot of trials that many lawyers have scheduled are going to be
22 adjourned, pushed back. And so what I'm concerned about is, it
23 would be difficult to tie up a period of time for trial when we
24 don't really know or may not know which group, for instance,
25 one lawyer would be involved in.

1 In other words, if it's going to be broken up, they
2 are going to have to be separate trial dates, and I wouldn't
3 want to tie up separate trial dates for each lawyer.

4 So what I'm hoping is that at some point, and I don't
5 think we are going to be in that position to do it at the first
6 conference, at some point going forward the government may wish
7 to suggest the grouping of trials that are going to go forward.
8 Also, there may be defendants who enter pleas.

9 And then we might be in a better position, after a
10 second conference, for instance, to realistically schedule
11 dates for particular lawyers and not tie everybody else up for
12 those dates. I just ask your Honor to keep that in mind going
13 forward. I know it's too early to make those decisions now,
14 but I would ask your Honor to keep that in mind. Thank you.

15 THE COURT: Thank you.

16 Anybody else wish to be heard on the defense side?

17 MR. FELDMAN: Yes, your Honor.

18 With respect to the discovery, I don't have any major
19 issue with what Mr. Adams represented about the timing and the
20 progression of discovery. I understand the labor and the
21 manhours that's going to go into doing all this with respect to
22 all of the electronic devices. And your Honor has the letter
23 that I submitted to the Court this morning with respect to my
24 client individually.

25 However, I would note, and presumably this applies to

1 all the clients in this case, that regardless of the labor and
2 man time and all the other things that go into this, the
3 government still has *Brady* and *Giglio* obligations, and there
4 are a number of confidential informants in this case, known
5 confidential informants in this case.

6 THE COURT: Sounds like a bit of an oxymoron to me.

7 MR. FELDMAN: There are known confidential informants
8 in the sense that the government knows who they are. And so
9 that information and any impeachment information that would
10 fall either under *Giglio* or *Brady* should be produced to defense
11 counsel as soon as practicable. That's all I would note.

12 THE COURT: Counsel, thank you. I hear what you are
13 saying.

14 I assume the government knows and understands its
15 obligations under *Brady* and *Giglio*. Correct, Mr. Adams?

16 MR. ADAMS: That is correct, your Honor.

17 THE COURT: And will be producing materials as you
18 were obligated to do, correct?

19 MR. ADAMS: That is correct.

20 THE COURT: Does anybody else on the defense side wish
21 to be heard on what has been said with respect to scheduling?

22 I have to say, counsel, after hearing what both
23 Mr. Adams had to say and listening to defense counsel, it does
24 seem to me that it might be a good idea for us to contemplate
25 not one conference, but two before we actually have enough

1 information and enough of a sense of how the case is going to
2 unfold for us to set a firm trial date.

3 The question that I have for -- I'll address it first
4 to Mr. Adams and then to the rest of you is, you say six months
5 for you to produce discovery. And then I think it's not
6 unreasonable, at least before I set any kind of a schedule for
7 motion practice, to allow the defendants time to review six
8 months worth of materials, even if they are produced on a
9 rolling basis. It looks like for that conference we are
10 talking about some time in the fall.

11 But in the interim, I think there is some sense to
12 having an interim conference at some point just for updates on
13 where we are at with respect to discovery and any issues or
14 problems that need to be addressed, and I would entertain
15 suggestions on what makes sense in terms of reconvening.

16 MR. ADAMS: Your Honor, that suggestion is welcomed by
17 the government. If a conference date three months out makes
18 sense to others as a status update, then the government will be
19 more than happy to appear for that, and we will have an update
20 on the status of discovery productions and any issues.

21 THE COURT: Does any defendant object to that, doing a
22 further conference some time roughly three months out and then
23 at that conference setting a more definitive schedule for the
24 remainder of the case?

25 MR. BAUM: When you say setting a more definitive

1 schedule, you are not talking about at that conference, before
2 discovery is complete, you are not talking about setting a
3 motion schedule. You are just articulating the hope that we
4 can figure out when the discovery will be completed and the
5 time we need for review of that discovery.

6 THE COURT: Correct. It sounds like we are talking
7 about sometime in the fall for a conference at which a motion
8 schedule and a trial date will be set. That will happen in the
9 fall, I'm suggesting.

10 Hearing nothing from anybody, why don't I propose to
11 counsel that June 29 or 30 would work for the Court. I also
12 have availability in early July -- obviously, we should avoid
13 the days surrounding the 4th of July -- that we could
14 reconvene. Is there any objection by anybody to doing this on
15 June 30, further conference?

16 MR. GOLDMAN: Judge, I need a second to check my
17 calendar and some other attachments.

18 THE COURT: Why don't you all take a moment because I
19 don't want really want to get a barrage of letters after we set
20 it down.

21 MR. COX: Your Honor, is it your intent to do this
22 telephonically or in person?

23 THE COURT: It's very hard for me to know. Assuming
24 or hoping that the COVID situation is better, I would hope to
25 do it in person.

1 MR. COX: Yes, ma'am.

2 THE COURT: I cannot predict. It would be my hope
3 that we could convene in person. As you all see, things take a
4 lot longer and it is a lot more tedious when you have to do
5 them by phone.

6 Any objection to June 30?

7 MS. LEISENRING: What date did you say, your Honor?

8 THE COURT: Tuesday, June 30.

9 MR. ROLLOCK: What time were you thinking, your Honor.

10 THE COURT: I have not gotten that far, but I am
11 thinking in the morning, though.

12 Do we have any counsel who come from out of town?

13 Would doing an 11:00 start time facilitate things for
14 people?

15 MR. GOLDMAN: It does, your Honor.

16 THE COURT: June 30 at 11 a.m. we will convene for a
17 conference. I'll get an order on the docket to that effect or
18 it will be reflected in the minute order from today's
19 proceeding.

20 A couple of final points. In advance of that
21 conference on June 30, I would ask that all defense counsel
22 please confer with your clients. In particular, if the COVID
23 emergency continues and we have to convene by telephone, please
24 talk to your clients about whether they waive whatever rights
25 they may or may not have to be present at future conferences in

1 this case, in light of the COVID emergency in particular or
2 otherwise. And if they are waiving their rights, you can put
3 something on the docket to that effect or you need to be
4 prepared to confirm that, in any event, at the conference
5 itself. I think it would be cleaner if people would put a
6 waiver document -- file them on ECF in advance of the June 30
7 conference if your clients are waiving their right to be
8 present.

9 The only other thing I want to say, we don't really
10 have any clients on the phone except for Mr. Cohen and
11 Mr. Navarro. So I will say to the two of them and I ask
12 everybody else to please make sure their clients understand
13 that if there are any thoughts about changing counsel, if
14 circumstances arise, if you have retained counsel but you are
15 eligible for or need to have counsel appointed, or, conversely,
16 if you have appointed counsel but want to retain counsel, or,
17 for any other reason there are going to be changes in counsel,
18 doing it sooner rather than later is better.

19 You heard about the volume of discovery in this case.
20 The lawyers need time to review and become familiar with that
21 to adequately represent the defendants and be prepared for
22 proceedings in the case and ultimately for the trial.

23 If you wait until the last minute to seek change of
24 counsel, I may not grant applications. I am certainly not
25 going to look kindly on any request to extend trial dates or

1 other deadlines in the case because of changes of counsel.

2 Is that understood, Mr. Navarro?

3 DEFENDANT NAVARRO: Yes, your Honor.

4 THE COURT: Mr. Cohen.

5 DEFENDANT COHEN: Yes, your Honor.

6 THE COURT: I would that ask counsel on the phone
7 without clients to please take that message back or please make
8 sure that your clients understand that.

9 Does the government seek further exclusion of time
10 under the Speedy Trial Act?

11 MR. ADAMS: We do, your Honor. In order to allow for
12 us to collect and produce voluminous discovery and for defense
13 counsel to accept, review it, and begin contemplating motions
14 that may lie as a result of the investigation of discovery.

15 THE COURT: Until?

16 MR. ADAMS: Until June 30, 2020.

17 THE COURT: Does any defendant wish to be heard?

18 I am going to go through the list of defendants and
19 ask if there is consent to the government's request that I
20 exclude all time from today until June 30.

21 Counsel to Mr. Navarro or Mr. Navarro himself.

22 MR. KREISS: No objection.

23 THE COURT: Counsel to Ms. Garcia.

24 MS. COLSON: No objection.

25 THE COURT: Mr. Zulueta.

1 MR. GOLDMAN: No objection.

2 THE COURT: Mr. Tannuzzo.

3 MR. ROLLOCK: No objection.

4 THE COURT: Mr. Cohen or his counsel.

5 MS. LEISENRING: No objection.

6 THE COURT: Counsel to Mr. Seth Fishman.

7 MR. FELDMAN: No objection, your Honor.

8 THE COURT: Counsel to Ms. Gianelli.

9 MR. FASULO: No objection, your Honor.

10 THE COURT: Counsel to Jordan Fishman.

11 MR. JOYCE: No objection.

12 THE COURT: Counsel to Rick Dane.

13 MR. SCHOLAR: No objection.

14 THE COURT: Counsel to Mr. Oakes.

15 MR. FLYNN: No objection.

16 THE COURT: Counsel to Mr. Servis.

17 MS. GLAVIN: No objection.

18 THE COURT: Counsel to Kristian Rhein.

19 MR. SCARING: No objection.

20 THE COURT: Counsel for Michael Kegley.

21 MR. COX: No objection.

22 THE COURT: Counsel to Mr. Chan.

23 MR. BAUM: No objection.

24 THE COURT: Counsel for Mr. Argueta.

25 MS. ONAODOWAN: No objection.

1 THE COURT: Counsel to Mr. Surick.

2 MR. DONOHUE: No objection.

3 THE COURT: Counsel to Ms. Linke.

4 MR. WIKSTROM: No objection.

5 THE COURT: Counsel to Mr. Marino.

6 MR. OKSENHENDLER: No objection.

7 THE COURT: I will.

8 MS. KIRSHNER: Your Honor, Gregory Skelton, I think
9 you skipped over him. We have no objection.

10 THE COURT: Thank you very much. I apologize,
11 counsel, for skipping Dr. Skelton.

12 I will enter an order excluding time from today until
13 June 30, all previous time having already been excluded. I do
14 find that the ends of justice served by excluding such time
15 outweigh the interests of the public and of the defendants in a
16 speedy trial.

17 In particular, as this record makes clear, this is a
18 complex, multidefendant, 19 to be specific, case. Discovery,
19 as is reflected on the record that we have just talked about at
20 some length, is voluminous, detailed electronic evidence.
21 There is a need for time for production of that discovery and
22 the work that needs to be done in order to get that discovery
23 made. There needs to be time for defendants to consider that
24 discovery and analyze it and prepare or think about what
25 motions may or may not be appropriate in this case. And I also

1 would like to allow time for the parties who may wish to do so
2 to engage in any discussions about disposition of the case.

3 In addition, for the record, the ongoing COVID-19
4 pandemic obviously has and will continue to hamper the ability
5 of counsel to accomplish before going as expeditiously as might
6 otherwise be the case, and the ability of defense counsel to
7 consult and coordinate with one another and with their clients,
8 the defendants in this case.

9 Is there anything else from anybody for the record?

10 MR. ADAMS: Nothing here. Thank you.

11 THE COURT: Anything from any counsel for the
12 defendants?

13 Before we conclude, I would ask that counsel obtain a
14 copy of the transcript and put it on file on the docket through
15 ECF once it is available. I would also ask each of the
16 defendants who participated on this call, Mr. Navarro first,
17 then Mr. Cohen.

18 Mr. Navarro, were you able to hear everything that was
19 said in these proceedings and do you have any questions for me?

20 DEFENDANT NAVARRO: Yes, your Honor, I heard
21 everything. No questions, your Honor.

22 THE COURT: Mr. Cohen.

23 DEFENDANT COHEN: Yes, your Honor, I understood
24 everything and no questions.

25 THE COURT: Thank you.

1 Counsel for the defendants who were not on the call,
2 so that's the other 17 defendants, I would instruct you to,
3 please, within the next 24 hours, confer with your client,
4 describe to them what happened to at today's proceeding. Let
5 them know the schedule that we talked about and, in particular,
6 that we have a further conference on June 30. Discuss with
7 them the waiver that I asked you to put on the docket if they
8 choose not to participate in the conference on the 30th.

9 If there are any issues either communicating with your
10 client or about the schedule that was set, I would ask you to
11 please let me know immediately. If I don't hear from anybody I
12 will understand then that all defendants have been advised of
13 what occurred today and that there are no objections to what we
14 have agreed or to what I have ordered. As I say, please obtain
15 a copy of the transcript and, counsel, I would ask that you
16 please provide that transcript to your clients when it is
17 available.

18 Is there anything else?

19 I thank you all for your patience. I know it's been
20 tedious to have to conduct things this way.

21 I hope that everybody will be safe and stay healthy.
22 Be well. And we are adjourned.

23 (Adjourned)
24
25